

BOARD FOR CONTRACTORS BOARD MEETING

DRAFT MINUTES

The Board for Contractors met on Tuesday, January 12th, 2010 at the Department of Professional and Occupational Regulation (DPOR), 9960 Mayland Drive, Richmond, Virginia. The members indicated below were present. Each of the other members present was qualified to vote, except where a specific reason for disqualification is stated. There are 13 members on this board, in which seven constitutes a quorum pursuant to §54.1-1102.

Robert M. Kirby, Chairman
Mark Cronin
Bailey Dowdy
Herbert "Jack" Dyer, Jr.
Kenneth Hart
Jack Miller
Michael Redifer
William Rusher
Troy Smith
Homer Pete Sumpter
Deborah Lynn Tomlin
Wyatt Walton
Bruce Williams
Dorothy Wood

All Board Members were present at the meeting.

Staff members present for all or part of the meeting were:

Jay W. DeBoer, Director
Mark Courtney, Deputy Director, LRD
Eric L. Olson, Executive Director
Sheila Watkins, Administrative Assistant
Karen Bullock, Administrative Assistant
Victoria Traylor, Legal Analyst
Earlyne Perkins, Legal Analyst
Kelly Smitham, Licensing Specialist
Jill Richardson, Licensing & Education Manager
Adrienne Mayo, Regulatory Boards Administrator
Steven Jack, Assistant Attorney General

Chairman Robert Kirby called the meeting to order at 9:09 a.m. and declared a quorum members was in attendance.

**Call
To Order**

A motion was made by **Mr. Sumpter** and seconded by **Mrs. Wood** to approve the agenda. The motion passed unanimously. Members voting “Yes” were: **Tomlin, Dyer, Rusher, Hart, Sumpter, Smith, Kirby, Redifer, Dowdy, Cronin, Wood, Miller and Walton.**

Approval of the Agenda

Williams had not arrived yet.

Mr. Hart moved to approve the following minutes as submitted from the:

Approval of Minutes

December 8, 2009 Board for Contractors Meeting
November 19th, 2009 Informal Fact Finding Conference
December 1, 2009 Informal Fact Finding Conference
December 2, 2009 Informal Fact Finding Conference
December 3, 2009 Informal Fact Finding Conference
December 8, 2009 Informal Fact Finding Conference

Mr. Dyer seconded the motion and it was unanimously approved by members: The motion passed unanimously. Members voting “Yes” were: **Tomlin, Dyer, Rusher, Hart, Sumpter, Smith, Kirby, Redifer, Dowdy, Wood, Miller, Cronin and Walton.**

Williams had not arrived yet.

There was no public comment.

Public Comment Period

In the matter of Recovery Fund File Number 2006-01915, Pauline Hudkins and Lee Hudkins (Claimants) vs. Claude Nethery t/a Richmond Renovation (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Claude Nethery t/a Richmond Renovation (Regulant)** did not appear at the board meeting. **Pauline and Lee Hudkins (Claimants)** did attend the Board meeting. They addressed the Board and shared their disagreement with the recommendation.

**File Number
2006-01915
Pauline Hudkins and
Lee Hudkins (Claimant)
and Claude Nethery t/a
Richmond Renovation
(Regulant)**

At 9:14 Board Member Williams, arrived at the Board meeting.

Mr. Redifer and Ms. Wall, the Board’s Hearing Representatives were not present and did not participate during the discussion or the vote.

Mr. Walton had discussion concerning the Debtor Interrogatories and Mr. Dyer had concerns about the language he identified that was not included in the judgment.

After discussion, a motion was made by **Ms. Wood** and seconded by **Mr. Sumpter** to adopt the claim review and the hearing officer's recommendations and summary and deny payment of the claim. The Claim Review and Summary are incorporated as a part of this Order. The motion passed by majority vote. Members voting "Yes" were: **Tomlin, Dyer, Rusher, Hart, Sumpter, Smith, Kirby, Wood, and Dowdy.**

Members voting "no" were: Cronin, Williams, Miller and Walton. The vote was 9 "yes" and 4 "no". Mr. Redifer was not present and did not vote.

In the matter of Recovery Fund File Number 2009-03145, Pedro and Jayne Casingal (Claimant) vs. Michael Joseph Dempich t/a 1st Choice Window Company (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Michael Joseph Dempich t/a 1st Choice Window Company (Regulant)** did not appear at the board meeting. **Pedro and Jayne Casingal (Claimant)** did not attend the Board meeting.

File Number
2009-03145
Pedro and Jayne
Casingal (Claimant) and
Michael Joseph Dempich
t/a 1st Choice Window
Company (Regulant)

Mr. Redifer, the Board's Hearing Representative was not present and did not participate during the discussion or the vote.

After discussion, a motion was made by **Ms. Wood** and seconded by **Mr. Sumpter** to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim in the amount of \$3,360.00. The Claim Review and Summary are incorporated as a part of this Order. The Board finds that substantial evidence exists that the actions of **Michael Joseph Dempich t/a 1st Choice Window Company** does fall within the statutory definition of improper and dishonest conduct. The motion passed by unanimous vote. Members voting "Yes" were: **Tomlin, Dyer, Rusher, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Cronin, Williams, Miller and Walton.**

Mr. Redifer did not participate and did not vote.

In the matter of Recovery Fund File Number 2009-02144, James and Sandra Myers (Claimant) vs. Custom Wood Worx, Inc. (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Custom Wood Worx, Inc. (Regulant)** did not appear at the board meeting. **James Myers (Claimants)** did attend the Board meeting. He addressed the Board and shared his agreement with the recommendation.

File Number
2009-02144
James and Sandra
Myers (Claimant) and
Custom Wood Worx,
Inc. (Regulant)

Mr. Redifer, the Board's Hearing Representative was not present and did not participate during the discussion or the vote.

After discussion, a motion was made by **Ms. Wood** and seconded by **Mr. Hart** to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim in the amount of **\$20,000.00**. The Claim Review and

Summary are incorporated as a part of this Order. **The Board finds there is substantial evidence that the actions of Custom Wood Worx, Inc. do fall within the statutory definition of improper and dishonest conduct. The motion passed by unanimous vote. Members voting "Yes" were: Tomlin, Dyer, Rusher, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Cronin, Miller, Williams and Walton.**

Redifer was not present and did not vote.

In the matter of Recovery Fund File Number 2009-02447, Melinda Goodin & James Williams (Claimants) vs. N.A.P. Homes Inc. (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **N.A.P. Homes Inc (Regulant)** did not appear at the board meeting. **Melinda Goodin and James Williams (Claimant)** did attend the Board meeting. They addressed the Board and shared their agreement with the Recommendation.

**File Number
2009-02447
Melinda Goodin &
James Williams
(Claimant) vs N.A.P.
Homes Inc.**

Mr. Redifer, the Board's Hearing Representative was not present and did not participate during the discussion or the vote. After discussion, a motion was made by **Mr. Sumpter** and seconded by **Ms. Wood** to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim in the amount of **\$20,000.00**. The Claim Review and Summary are incorporated as a part of this Order. The Board found substantial evidence that the actions of **N.A.P. Homes Inc.** do fall within the statutory definition of improper and dishonest conduct The motion passed by unanimous vote. Members voting "Yes" were: **Tomlin, Dyer, Rusher, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Miller, Cronin, Williams and Walton.**

Redifer was not present and did not vote.

In the matter of Recovery Fund File Number 2009-03603, Lisa Freeman (Claimants) vs. David Webber t/a Webber's A Touch Above the Rest (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **David Webber t/a Webber's A Touch Above the Rest (Regulant)** did not appear at the board meeting. **Lisa Freeman (Claimant)** did not attend the Board meeting.

**File Number
2009-03603
Lisa Freeman
(Claimant) and David
Webber t/a Webber's A
Touch Above the Rest
(Regulant)**

Mr. Redifer, the Board's Hearing Representative was not present and did not participate during the discussion or the vote.

After discussion, a motion was made by **Mr. Smith** and seconded by **Ms. Wood** to adopt the claim review and the hearing officer's recommendations and summary for violations and pay the claim in the amount of **\$1,831.00**. The Claim Review and Summary are incorporated as a part of this Order. The Board found substantial evidence that the actions of **David Webber t/a Webber's A Touch Above the Rest**

do fall within the statutory definition of improper and dishonest conduct. The motion passed by unanimous vote. Members voting "Yes" were: **Tomlin, Dyer, Rusher, Hart, Sumpter, Smith, Kirby, Redifer, Dowdy, Cronin, Wood, Miller, Williams and Walton.**

Redifer was not present and did not vote.

In the matter of Recovery Fund File Number 2009-03699, Richard & Evalyne Leith (Claimants) vs. Simpson Heating and Cooling (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Simpson Heating and Cooling (Regulant)** did not appear at the board meeting. **Richard & Evalyne Leith (Claimants)** did attend the Board meeting. They addressed the Board and shared their disagreement with the Recommendation.

File Number
2009-03699
Richard & Evalyne
Leith (Claimant) and
Simpson Heating and
Cooling (Regulant)

Mr. Redifer, the Board's Hearing Representative was not present and did not participate during the discussion or the vote.

After discussion, a motion was made by **Mr. Hart** and seconded by **Ms. Wood** to adopt the claim review and the hearing officer's recommendations and summary and deny payment of the claim. The Claim Review and Summary are incorporated as a part of this Order. The Board finds that language in the judgment order does not support the payment of the claim. The motion passed by unanimous vote. Members voting "Yes" were: **Tomlin, Dyer, Rusher, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Miller, Cronin, Williams and Walton.**

Redifer was not present and did not vote.

In the matter of Recovery Fund File Number 2009-04185, Harriett and William Smith (Claimants) vs. Affordable Remodeling Company (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation. **Affordable Remodeling Company (Regulant)** did not appear at the board meeting. **Harriett and William Smith (Claimants)** did not attend the Board meeting.

File Number
2009-04185
Harriett and William
Smith (claimants) vs.
Affordable Remodeling
Company

Mr. Redifer, the Board's Hearing Representative was not present and did not participate during the discussion or the vote.

After discussion, a motion was made by **Mr. Williams** and seconded by **Mr. Sumpter** to adopt the claim review and the hearing officer's recommendations and summary and approve the claim for payment in the amount of **\$11,065.00**. The motion passed by unanimous "yes" vote. Members voting were: **Kirby, Wood, Walton, Cronin, Tomlin, Dyer, Rusher, Hart, Sumpter, Smith, Williams, Miller and Dowdy.**

Redifer was not present and did not vote.

In the matter of Recovery Fund File 2009-04186, Earnest Fitzpatrick (Claimant) and Edward Bittner Plumbing & Heating (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

File Number
2009-04186
Earnest Fitzpatrick
(Claimant) and Edward
Bittner Plumbing &
Heating

Edward Bittner Plumbing & Heating (Regulant), did not attend the Board meeting. **Earnest Fitzpatrick (Claimant)** attended the Board meeting. He addressed the Board and shared his disagreement.

After discussion a motion was made by **Mr. Williams** and seconded by **Mr. Sumpter** to adopt the claim review and the hearing officer's recommendations and summary and deny the claim for payment in the amount of **\$1,460.00**. The Claim Review and Summary are incorporated as a part of this Order. The Board finds that language in the judgment order does not support the payment of the claim. The motion passed by majority vote. Members voting "Yes" were: **Tomlin, Dyer, Rusher, Hart, Sumpter, Smith, Kirby, Redifer, Dowdy, Wood, Miller and Williams.**

Cronin and Walton voted "no". The motion passed with a vote of 11 to 2. Redifer did not participate and did not vote.

In the matter of Recovery Fund File 2009-04271, Mary Hooker (Claimant) and Blackmon Construction Home Improvement, Inc. (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

File Number
2009-04271
Mary Hooker v
(Claimant) and
Blackmon Construction
Home Improvement,
Inc. (Regulant)

Mary Hooker (Claimant) appeared at the Board meeting. She addressed the Board and shared her disagreement. **Blackmon Construction Home Improvement, Inc. (Regulant)** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

Mr. Redifer the Board's hearing officer was not present, did not participate and did not vote.

After discussion a motion was made by **Mr. Dyer** and seconded by **Mr. Sumpter** to adopt the claim review, summary, and the hearing officer's recommendations which contain the facts regarding the recovery fund claim in this matter. The Claim Review and Summary are incorporated as a part of the Order. The Board finds there is not language in the order that supports payment of the claim. The Board voted to disapprove payment of the claim. The motion passed by unanimous vote. Members voting "yes" were: **Tomlin, Cronin, Dyer, Rusher, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Miller, Williams and Walton.**

Redifer was not present and did not vote.

In the matter of Recovery Fund File 2009-04508, Katherine Shield (Claimant) and Glenn DuBois t/a Woodchuck Marine Structures (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

File Number
2009-04508
Katherine Shield
(Claimant) vs Glenn
DuBois t/a Woodchuck
Marine Structures

Katherine Shield (Claimant) appeared at the Board meeting. She addressed the Board and shared her agreement with the recommendation. **Glenn DuBois t/a Woodchuck Marine Structures (Regulant)** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

Mr. Redifer the Board representative was not present and did not vote. During the discussion, **Mr. Dyer** expressed concerns about Debtor Interrogatories.

After further discussion a motion was made by **Mr. Sumpter** and seconded by **Mrs. Wood** to adopt the claim review, which contains the facts regarding the recovery fund claim in this matter, adopts the Summary and amends the recommendation to pay the claim in the amount of **\$12,347.47**. The Claim Review and Summary are incorporated as a part of the Order. The Board finds there is language in the order that supports the conclusion that the court found that the conduct of **Glenn DuBois t/a Woodchuck Marine Structures** involved improper or dishonest conduct. The motion passed by unanimous vote. Members voting "yes" were: **Tomlin, Dyer, Rusher, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Cronin, Miller, Williams and Walton.**

Redifer was not present and did not vote.

In the matter of Recovery Fund File 2009-01918, Wendy Johnson (Claimant) vs The Sovereign Group, Inc. t/a Window Wizards of America (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

File Number
2009-01918
Wendy Johnson
(Claimant) vs The
Sovereign Group, Inc.
t/a Window Wizards of
America (Regulant)

Wendy Johnson did appear at the Board meeting in person. She addressed the Board and shared her disagreement with the recommendation. **The Sovereign Group, Inc. t/a Window Wizards of America** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

Mr. Rusher, the Board's hearing officer was not present and did not vote. After discussion a motion was made by **Mr. Sumpter** and seconded by **Mr. Williams** to adopt the claim review, which contains the facts regarding the recovery fund claim in this matter, adopts the Summary and the recommendation. The Claim Review and Summary are incorporated as a part of the Order. The Board finds that language in the judgment order does not support the payment of the claim. The Board voted to deny payment of the claim in the amount of **\$8,004.00**. The motion passed by majority vote. Members voting "yes" were: **Redifer, Dyer, Tomlin, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Miller and Williams.**

Cronin and Walton voted “no”. Rusher was not present and did not vote.

In the matter of Recovery Fund File 2009-02330, James Martin (Claimant) vs Dennis McCall t/a A-Plus Builders (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

James Martin (Claimant) did not appear at the Board meeting in person. **Dennis McCall t/a A-Plus Builders** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

File Number
2009-02330
James Martin
(Claimant) vs Dennis
McCall t/a A-Plus
Builders (Regulant)

Mr. Rusher, the Board’s hearing officer was not present and did not participate.

After discussion a motion was made by **Mr. Sumpter** and seconded by **Mrs. Wood** to adopt the claim review, which contains the facts regarding the recovery fund claim in this matter, adopts the Summary and accept the recommendation to deny payment of the claim. The Board finds that language in the judgment order does not support the payment of the claim. The motion passed by unanimous vote. Members voting “yes” were: **Tomlin, Sumpter, Dyer, Redifer, Hart, Smith, Miller, Dowdy, Kirby, Cronin, Williams, Wood and Walton.**

Rusher was not present and did not vote.

In the matter of Recovery Fund File 2009-03394, Rick Rahim (Claimant) and Sealand Development Corp (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

File Number
2009-03394
Rick Rahim (Claimant)
vs. Sealand Development
Corp (Regulant)

Rick Rahim did appear at the Board meeting in person and he addressed the Board. He shared his disagreement with the Recommendation. **Stephen Cobb, attorney for Anthony Saatlou of Sealand Development Corp** did appear at the Board meeting in person and addressed the Board. They shared their agreement with the Recommendation.

Mr. Rusher, the Board’s hearing officer did not participate and was not present.

After discussion a motion was made by **Mr. Sumpter** and seconded by **Mr. Dowdy** to adopt the claim review, which contains the facts regarding the recovery fund claim in this matter, adopts the Summary and accepts the recommendation to deny payment of the claim. The Claim Review and Summary are incorporated as a part of the Order. The motion failed by majority vote. Members voting “yes” were: **Wood, Dowdy, Hart, Sumpter and Dyer.** Members voting “no” were: **Redifer, Walton, Williams, Smith, Cronin, Kirby, Tomlin and Miller.** The vote was 8 “no” and 5 “yes”.

After further discussion and consideration of the reference to the Virginia Consumer Protection Act another motion was made by **Mr. Redifer** and seconded by **Mr.**

Williams to remand the case back to staff for an additional Informal Fact Finding Conference to determine out of pocket expenses. The motion passed by majority vote. The motion passed by a majority vote. Members voting “yes” were: **Redifer, Williams, Wood, Tomlin, Sumpter, Dowdy, Miller, Dyer and Smith.**

Walton, Hart, Cronin and Kirby voted “No”.

Rusher was not present and did not vote.

In the matter of Recovery Fund File 2009-03898, Michael Middleton (Claimant) vs. Straightline General Contracting, Inc. (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

File Number
2009-03898
Michael Middleton
(Claimant) vs.
Straightline General
Contracting, Inc.
(Regulant)

Middleton did appear at the Board meeting in person. He addressed the Board and shared his disagreement with the Recommendation. He also shared that he had researched Recovery Fund cases from January through November 2009.

Christopher and Liana Brown for Straightline General Contracting, Inc. did appear at the Board meeting in person. They addressed the Board.

Rusher the Board’s hearing officer did not participate and did not vote. He was not present.

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Smith** to adopt the claim review, which contains the facts regarding the recovery fund claim in this matter, adopts the Summary and adopt the recommendation to deny paying the claim. The Claim Review and Summary are incorporated as a part of the Order. The Board finds that language in the judgment order does not support the payment of the claim. The motion passed by majority vote. Members voting “yes” were: **Redifer, Dyer, Tomlin, Hart, Sumpter, Smith, Dowdy, Miller and Walton.**

Members voting “no” were: Kirby, Cronin, Williams and Wood.

The vote passed 9 “yes” to 4 “no”.

Rusher was not present and did not vote.

In the matter of Recovery Fund File 2009-04413, Richard and Judith Wescott (Claimant) vs. George Linkous t/a L & K Specialties (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

File Number
2009-04413
Richard and Judith
Wescott (claimant) vs.
George Linkous t/a L &
K Specialties (Regulant)

Richard and Judith Wescott appeared at the Board meeting in person. They addressed the Board and shared their agreement. **George Linkous t/a L & K Specialties** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

After discussion a motion was made by **Mr. Williams** and seconded by **Mrs. Wood** to adopt the claim review, which contains the facts regarding the recovery fund claim in this matter, adopts the Summary and adopts the recommendation to pay the claim in the amount of **\$20,000.00**. The Claim Review and Summary are incorporated as a part of this Order. The Board found substantial evidence that the actions of **George Linkous t/a L & K Specialties** do fall within the statutory definition of improper and dishonest conduct. The motion passed by unanimous vote. Members voting "yes" were: **Redifer, Dyer, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Miller, Williams, Cronin, Tomlin and Walton**.

Rusher was not present and did not vote.

In the matter of Recovery Fund File 2010-00650, Johnathan Kranz (Claimant) vs. Home Sweet Home Remodeling, Inc. (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

File Number
2010-00650
Johnathan Kranz
(Claimant) vs. Home
Sweet Home
Remodeling, Inc.
(Regulant)

Attorney David Zobel and client Johnathan Krantz appeared at the Board meeting in person. They addressed the Board and shared their agreement with the Recommendation. **Home Sweet Home Remodeling, Inc.** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

Rusher the Board's hearing officer was not present and did not participate.

After discussion a motion was made by **Mr. Williams** and seconded by **Ms. Wood** to adopt the claim review, which contains the facts regarding the recovery fund claim in this matter, adopts the Summary and adopts the recommendation to pay the claim in the amount of **\$6,577.95**. The Claim Review and Summary are incorporated as a part of this Order. The Board found substantial evidence that the actions of **Home Sweet Home Remodeling, Inc.** do fall within the statutory definition of improper and dishonest conduct. The motion passed by unanimous vote. Members voting "yes" were: **Redifer, Dyer, Cronin, Tomlin, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Miller, Williams and Walton**.

Rusher was not present and did not vote.

In the matter of Recovery Fund File 2010-01145, Raviinder and Malika Singh (Claimant) vs. Michael Perry t/a Solid Concepts (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

File Number
2010-01145
Raviinder and Malika
Singh (Claimants) vs.
Michael Perry t/a Solid
Concepts (Regulant)

David Zobel attorney and Raviinder and Malika Singh did appear at the Board meeting. They addressed the Board and shared their agreement with the Recommendation. **Michael Perry t/a Solid Concepts** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

After discussion a motion was made by **Ms. Wood** and seconded by **Mr. Williams** to adopt the claim review, which contains the facts regarding the recovery fund claim in this matter, adopts the Summary and adopts the recommendation to pay the claim in the amount of **\$20,000.00**. The Claim Review and Summary are incorporated as a part of this Order. The Board found substantial evidence that the actions of **Michael Perry t/a Solid Concepts** do fall within the statutory definition of improper and dishonest conduct. The motion passed by unanimous vote. Members voting “yes” were: **Redifer, Dyer, Rusher, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Miller, Williams, Cronin and Walton**.

Tomlin was not present and did not vote.

In the matter of Recovery Fund File 2010-00679, Tyrone and Rene Drake (Claimant) vs. Min Whan Kim t/a Y W Contractors (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

A handout from Tyrone and Rene Drake was distributed to the members of the Board for Contractors. The Drakes could not be present so they sent a handout to the Board. **Min Whan Kim t/a Y W Contractors** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

After discussion a motion was made by **Ms. Wood** and seconded by **Mr. Williams** to adopt the claim review, which contains the facts regarding the recovery fund claim in this matter, adopts the Summary and adopts the recommendation to pay the claim in the amount of **\$6,008.08**. The motion passed by unanimous vote. Members voting “yes” were: **Redifer, Dyer, Cronin, Tomlin, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Miller, Williams and Walton**.

Rusher was not present and did not vote.

In the matter of Recovery Fund File 2010-00782, John Elwood (Claimant) vs. Timothy Simmers t/a Simmers Construction (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

John Elwood did not appear at the Board meeting in person. He shared his agreement with the Recommendation. **Timothy Simmers t/a Simmers Construction** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

After discussion a motion was made by **Mr. Sumpter** and seconded by **Mrs. Wood** to adopt the claim review, which contains the facts regarding the recovery fund claim in this matter, adopts the Summary and adopts the recommendation to pay the claim in the amount of **\$20,000.00**. The Claim Review and Summary are incorporated as a part of this Order. The Board found substantial evidence that the actions of **Timothy**

File Number

2010-00679

**Tyrone and Rene Drake
(Complainant) vs.
Min Whan Kim t/a Y W
Contractors (Regulant)**

File Number

2010-00782

**John Elwood (Claimant)
vs. Timothy Simmers t/a
Simmers Construction**

Simmers t/a Simmers Construction do fall within the statutory definition of improper and dishonest conduct. The motion passed by unanimous vote. Members voting “yes” were: **Redifer, Dyer, Tomlin, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Miller, Cronin, Williams and Walton.**

Rusher was not present and did not vote.

In the matter of Recovery Fund File 2009-02212, Grant and Mary Simms (Claimant) vs. House Pros Inc. (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

File Number
2009-02212
Grant and Mary Simms
(Claimant) vs. House
Pros Inc. (Regulant)

Joseph Lassiter counsel for Grant and Mary Simms did appear at the Board meeting in person. He addressed the Board and shared his client’s agreement with the Recommendations. **House Pros Inc.** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

Tomlin the Board’s hearing officer was not present and did not vote.

After discussion a motion was made by **Mrs. Wood** and seconded by **Mr. Sumpter** to adopt the claim review, which contains the facts regarding the recovery fund claim in this matter, adopts the Summary and adopts the recommendation to pay the claim in the amount of **\$20,000.00**. The Claim Review and Summary are incorporated as a part of this Order. The Board found substantial evidence that the actions of **House Pros Inc.** do fall within the statutory definition of improper and dishonest conduct. The motion passed by unanimous vote. Members voting “yes” were: **Redifer, Dyer, Rusher, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Miller, Cronin, Williams and Walton.**

Tomlin was not present and did not vote.

In the matter of Recovery Fund File 2009-02219, Edward Kijewski (Claimant) vs. Kenneth Patrick Sr. t/a Patrick Renovations (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

File Number
2009-02219
Edward Kijewski
(Claimant) vs. Kenneth
Patrick Sr. t/a Patrick
Renovations

Edward Kijewski appeared at the Board meeting in person. He addressed the Board. **Kenneth Patrick Sr. t/a Patrick Renovations** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

Tomlin, the Board’s hearing officer did not participate.

After discussion a motion was made by **Mrs. Wood** and seconded by **Mr. Hart** to adopt the claim review, which contains the facts regarding the recovery fund claim in this matter, adopts the Summary and adopts the recommendation to pay the claim in the amount of **\$20,000.00**. The Claim Review and Summary are incorporated as a part

of this Order. The Board found substantial evidence that the actions of **Kenneth Patrick** do fall within the statutory definition of improper and dishonest conduct. The motion passed by unanimous vote. Members voting “yes” were: **Redifer, Dyer, Rusher, Hart, Tomlin, Sumpter, Smith, Kirby, Dowdy, Wood, Miller, Williams and Walton.**

Tomlin was not present and did not vote.

In the matter of Recovery Fund File 2009-02938, Donald and Diann Jackson (Claimant) vs. Bobby Zeigler (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

File Number
2009-02938
Donald and Diann
Jackson (Claimant) vs.
Bobby Zeigler
(Regulant)

Donald and Diann Jackson appeared at the Board meeting in person. She addressed the Board. **Bobby Zeigler** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

Tomlin the Board’s hearing officer was not present.

After discussion a motion was made by **Mr. Redifer** and seconded by **Mr. Williams** to adopt the claim review, which contains the facts regarding the recovery fund claim in this matter, adopts the Summary and adopts the recommendation to pay the claim in the amount of **\$20,000.00**. The Claim Review and Summary are incorporated as a part of this Order. The Board found substantial evidence that the actions of **Bobby Zeigler** do fall within the statutory definition of improper and dishonest conduct. The motion passed by unanimous vote. Members voting “yes” were: **Redifer, Cronin, Dyer, Rusher, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Miller, Williams and Walton.**

Tomlin was not present and did not vote.

In the matter of Recovery Fund File 2009-03543, John and Leslie Madden (Claimant) vs. Edsall Design Build Inc. (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

File Number
2009-03543
John and Leslie Madden
(Claimants) vs. Edsall
Design Build Inc.

The Maddens appeared at the Board meeting in person. They addressed the Board and shared their agreement with the Recommendation. **Edsall Design Build Inc.** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

Tomlin, the Board’s hearing officer did not participate.

After discussion a motion was made by **Mr. Sumpter** and seconded by **Mrs. Wood** to adopt the claim review, which contains the facts regarding the recovery fund claim in this matter, adopts the Summary and adopts the recommendation to pay the claim in

the amount of **\$15,932.23**. An amendment was offered by **Mr. Dyer** and seconded by **Mr. Williams to amend the amount of the** recovery fund based on the information provided in the change order from \$15,932.23 to \$11,409.00. The Maddens were given a chance to respond to the amended motion. The amended motion failed by unanimous vote. Members voting “yes” were: **Williams and Dyer. Members voting “no” were: Redifer, Rusher, Hart, Sumpter, Smith, Kirby, Dowdy, Wood Miller, Cronin, and Walton.**

After further discussion Mr. Sumpter offered a motion seconded by Ms. Wood to adopt the claim review, which contains the facts regarding the recovery fund claim in this matter, adopts the Summary and adopts the recommendation to pay the claim in the amount of **\$15,932.23**. The Board finds there is language in the order that supports substantial evidence that the actions of **Edsall Design Build Inc.** do fall within the statutory definition of improper and dishonest conduct the board voted to Members voting “yes” were: **Redifer, Cronin, Rusher, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Miller and Walton.**

Members voting “no” were: **Dyer and Williams.**

Tomlin was not present and did not vote.

In the matter of Recovery Fund File 2009-04148, Michael and Joy Ross (Claimant) vs. Collin Hunter Hudson III t/a C H Remodeling & Construction Co/CHR & C Contracting (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

Michael and Joy Roy did appear at the Board meeting in person. They shared their disagreement with the Recommendation. **Collin Hunter Hudson III t/a C H Remodeling & Construction Co/CHR&C Contracting** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

Tomlin the Board’s hearing officer was not present and did not participate.

After discussion a motion was made by **Mr. Williams** and seconded by **Mr. Cronin** to adopt the claim review, which contains the facts regarding the recovery fund claim in this matter, adopts the Summary and reject the recommendation and to pay the claim in the amount of **\$13,828.66**. In this case the Board finds there is language in the sentencing order that supports the conclusion that the court found that the conduct of **C H Remodeling & Construction Co/CHR&C Contracting** involved improper and dishonest conduct. The motion passed by unanimous vote. Members voting “yes” were: **Redifer, Dyer, Cronin, Rusher, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Miller, Williams and Walton.**

Tomlin was not present and did not vote.

File Number

2009-04148

**Michael and Joy Ross
(Claimants) vs. Collin
Hunter Hudson III t/a C
H Remodeling &
Construction
Co/CHR&C Contracting**

In the matter of Recovery Fund File 2010-00638, Mark Stoltzfus (Claimant) vs. HEC Construction Services, Inc. t/a Home Exterior Concepts (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

File Number
2010-00638
Mark Stoltzfus
(Claimant) vs. HEC
Construction Services,
Inc. t/a Home Exterior
Concepts

Attorney Kevin Funk and the Thompsons appeared at the Board meeting in person. They addressed the Board. **Regency Homes LC** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

Tomlin the Board's hearing officer was not present and did not participate.

After discussion a motion was made by **Mr. Sumpter** to adopt the claim review, which contains the facts regarding the recovery fund claim in this matter, adopts the Summary and adopts the recommendation to pay the claim in the amount of **\$20,000.00**. The motion failed by due to lack of a second.

After further discussion **Mr. Dyer** expressed concerns. **Walton** made a motion seconded by **Mr. Dowdy** to remand back to an IFF to determine dollars as related to Fraud and Breach. The motion passed with a majority vote. Members voting "yes" were: **Wood, Dyer, Walton, Miller, Rusher, Hart, Dowdy and Williams**. Members voting "no" were: **Cronin, Smith, Redifer, Kirby and Sumpter**. This case will be remanded back to staff for another Informal Fact Finding Conference. The vote was 8 yes and 5 no.

Tomlin was not present and did not vote.

In the matter of Recovery Fund File 2010-00653, Yvonne Williams (Claimant) vs. Steven & Karen Stuart t/a Renovation Solutions (Regulant); the board reviewed the record, which consisted of the claim file, transcript and exhibits from the IFF, and the summary and recommendation.

File Number
2010-00653
Yvonne Williams
(Claimant) vs. Steven &
Karen Stuart t/a
Renovation Solutions

Tomlin the Board's hearing officer was not present and did not participate.

After discussion a motion was made by **Ms. Wood** and seconded by **Mr. Sumpter** to remand this case to the April 2010 meeting. The motion passed by unanimous vote. Members voting "yes" were: **Redifer, Dyer, Rusher, Hart, Sumpter, Cronin, Smith, Kirby, Dowdy, Wood, Miller, Williams and Walton**.

Tomlin was not present and did not vote.

The Board took a ten minute break at 11:10 AM. The Board reconvened its meeting at 11:20 AM.

Break and Reconvene

In the matter of License Application File Number 2009-02255, Johnathan Nation t/a Need A Plumber LLC, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2009-02255
Johnathan Nation t/a
Need A Plumber LLC

Applicant Johnathan Nation t/a Need A Plumber LLC appeared at the IFF and sent a hand out to the Board meeting. The Handout was given to the Board. The presiding Board representative **Ms. Brigil** was not present, did not participate in the discussion and did not vote.

After discussion **Ms. Wood** offered a motion that was seconded by **Mr. Williams** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve a license.

The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Dyer, Rusher, Redifer, Cronin, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Miller, Williams and Walton.**

Brigil was not present and did not vote.

In the matter of License Application File Number 2010-01113, Metal Solutions LLC, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2010-01113
Metal Solutions LLC

Applicant Metal Solutions LLC appeared at the IFF and did not attend the Board meeting.

The presiding Board representative **Ms. Brigil** was not present, did not participate in the discussion and did not vote.

After discussion **Mr. Hart** offered a motion that was seconded by **Mr. Sumpter** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve a license. The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Dyer, Rusher, Redifer, Hart, Sumpter, Smith, Kirby, Dowdy, Cronin, Wood, Miller, Williams and Walton.**

Brigil was not present and did not vote.

In the matter of License Application File Number 2010-01444, Marshall Pruitt t/a Pruitt Home Improvement, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2010-01444
Marshall Pruitt t/a
Pruitt Home
Improvement

Applicant Marshall Pruitt t/a Pruitt Home Improvement appeared at the IFF. He did not attend the Board meeting.

The presiding Board representative **Ms. Brigil** was not present, did not participate in the discussion and did not vote.

After discussion **Mr. Walton** offered a motion that was seconded by **Mr. Sumpter** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve a conditional license.

The motion passed by majority vote. Members voting “Yes” were: **Tomlin, Dyer, Rusher, Redifer, Cronin, Sumpter, Smith, Kirby, Dowdy, Miller, Williams and Walton.** Members voting “no” were: **Wood and Hart.**

Brigil was not present and did not vote.

In the matter of License Application File Number 2010-01445, ABC Konstruction LLC the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2010-01445
ABC Konstruction LLC

Applicant ABC Konstruction LLC appeared at the IFF. **William Kaiser for ABC Konstruction LLC** and the Board meeting.

The presiding Board representative **Ms. Brigil** was not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Williams** and seconded by **Mrs. Wood** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and issue a conditional license.

The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Sumpter, Dyer, Rusher, Hart, Smith, Miller, Dowdy, Kirby, Redifer, Cronin, Williams, Wood and Walton.**

Brigil was not present and did not vote.

In the matter of License Application File Number 2010-01446, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2010-01446
William Jones

Applicant William Jones did not appear at the Board meeting. He did attend the IFF.

The presiding Board representative **Ms. Brigil** was not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Redifer** and seconded by **Mr. Sumpter** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and issue the license. The motion failed with a vote of 10 “no” and 4

“yes”. Members voting “yes” were **Redifer, Sumpter, Rusher and Cronin**. Members voting “no” were: **Wood, Tomlin, Walton, Miller, Kirby, Dyer, Dowdy, Smith, Williams and Hart**.

After further discussion, a motion was made by **Ms. Wood** and seconded by **Ms. Tomlin** to reject the recommendation and deny the license. After reviewing the facts, the nature and seriousness of the crimes committed by the applicant, The Board considered the relationship of those crimes to the purpose of requiring a license in consideration of §54.1-204 B 1; and in consideration of 54.1-204 B 9, that due to the insufficient evidence to demonstrate Jones’ rehabilitation or rehabilitative effort, the Board is of the opinion they could not protect the health, safety and welfare of the public; therefore, the Board voted to deny the license at this time. The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Sumpter, Dyer, Rusher, Hart, Smith, Miller, Dowdy, Kirby, Redifer, Williams, Cronin, Wood and Walton**.

Brigil was not present and did not vote.

In the matter of License Application File Number 2010-01793, Gateway Home Improvements, Inc, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2010-01793
Gateway Home
Improvements, Inc.**

Applicant Thomas William Smith for Gateway Home Improvements, Inc. appeared at the IFF.

The presiding Board representative **Ms. Brigil** was not present, did not participate in the discussion and did not vote.

After discussion **Mr. Sumpter** offered a motion that was seconded by **Mr. Hart** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny a license. The motion passed by majority vote. Members voting “Yes” were: **Tomlin, Dyer, Rusher, Redifer, Hart, Sumpter, Smith, Dowdy, Miller, Cronin, Kirby, Wood Williams and Walton**.

Brigil was not present and did not vote.

In the matter of License Application File Number 2010-01794, Mark Enright t/a Enright Title Contractor, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2010-01794
Mark Enright t/a
Enright Title Contractor**

Applicant Jackie Smallwood appeared at the IFF and the Board meeting. He addressed the Board. He shared his agreement with the Recommendation. The presiding Board representative **Ms. Brigil** was not present, did not participate in the discussion and did not vote.

After discussion **Mr. Rusher** offered a motion that was seconded by **Ms. Wood** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve a license.

The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Dyer, Rusher, Redifer, Hart, Sumpter, Cronin, Smith, Kirby, Dowdy, Wood, Miller, Williams and Walton.**

Brigil was not present and did not vote.

In the matter of License Application File Number 2010-01985, Christopher Pace, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2010-01795
Christopher Pace**

Applicant Christopher Pace and wife Nichole Pace appeared at the IFF and the Board meeting. He addressed the Board. He shared his disagreement with the Recommendation. Mrs. Pace also addressed the Board.

The presiding Board representative **Ms. Brigil** was not present, did not participate in the discussion and did not vote.

During discussion Williams and Cronin expressed concerns about allowing the applicant to test for licensure. There was discussion about the possibility of a conditional license. After discussion **Mr. Hart** offered a motion to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve a license. The motion failed due to lack of a second. After further discussion **Mr. Williams** offered a motion that was seconded by **Mr. Redifer** to grant permission to test and then pending results a conditional license with applicant being successfully enrolled in a drug rehab program for two years. Applicant must comply with terms of the conditional license and report in to the Board every 6 months or the license would then be revoked. The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Dyer, Rusher, Redifer, Cronin, Sumpter, Smith, Kirby, Dowdy, Wood, Miller, Williams and Walton.**

Hart voted no. Brigil was not present and did not vote.

The motion passed 13 yes and 1 no.

In the matter of License Application File Number 2010-01796, Thomas Crabtree t/a Dominion Flooring the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2010-01796
Thomas Crabtree t/a
Dominion Flooring**

Applicant Thomas Crabtree appeared at the IFF. He did not attend the Board meeting.

The presiding Board representative **Ms. Brigil** was not present, did not participate in the discussion and did not vote.

After discussion **Ms. Wood** offered a motion that was seconded by **Mr. Walton** to amend the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny a license. After reviewing the facts the Board determined that not enough time has elapsed since the crime was committed. The motion passed by unanimous vote. Members voting "Yes" were: **Tomlin, Dyer, Rusher, Redifer, Hart, Sumpter, Smith, Kirby, Dowdy, Cronin, Wood, Miller, Williams and Walton.**

Brigil was not present and did not vote.

In the matter of License Application File Number 2010-01798, Robert Wayne Riggins, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2010-01798
Robert Wayne Riggins

Applicant Robert Wayne Riggins appeared at the IFF. He also attended the Board meeting and addressed the Board and shared his agreement.

The presiding Board representative **Ms. Brigil** was not present, did not participate in the discussion and did not vote.

After discussion **Mrs. Wood** offered a motion that was seconded by **Mr. Williams** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve a license.

The motion passed by unanimous vote. Members voting "Yes" were: **Tomlin, Dyer, Rusher, Redifer, Hart, Sumpter, Cronin, Smith, Kirby, Dowdy, Wood, Miller, Williams and Walton.**

Brigil was not present and did not vote.

In the matter of License Application File Number 2010-01797, Bryan Summers, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

File Number
2010-01797
Skyline Cabinets, Inc. t/a
Blue Ridge Cabinets

Applicant Skyline Cabinets, Inc. t/a Blue Ridge Cabinets appeared at the IFF. They did not attend the Board meeting.

The presiding Board representative **Ms. Brigil** was not present, did not participate in the discussion and did not vote.

After discussion **Mrs. Wood** offered a motion that was seconded by **Mr. Sumpter** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve the license.

The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Dyer, Rusher, Redifer, Hart, Sumpter, Cronin, Smith, Kirby, Dowdy, Wood, Miller, Williams and Walton.**

Brigil was not present and did not vote.

In the matter of License Application File Number 2010-01797, Freedom Elevator LLC, the Board members reviewed the record, which consisted of the application file, transcript, exhibits, and Summary of the Informal Fact-Finding Conference.

**File Number
2010-01800
Freedom Elevator LLC**

Freedom Elevator LLC appeared at the IFF. **Craig Robinson for Freedom Elevator LLC** attended the Board meeting. He addressed the Board.

The presiding Board representative **Ms. Brigil** was not present, did not participate in the discussion and did not vote.

Mrs. Perkins shared with the Board that a correction needed to be noted in the Summary. Background Information, third paragraph, board regulation cited s/b 18 VAC 50-22-50 F and not 52.

After discussion **Mrs. Wood** offered a motion that was seconded by **Mr. Sumpter** to adopt the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve the license.

The motion passed by unanimous vote. Members voting “Yes” were: **Tomlin, Dyer, Rusher, Redifer, Hart, Sumpter, Cronin, Smith, Kirby, Dowdy, Wood, Miller, Williams and Walton.**

Brigil was not present and did not vote.

In the matter of Disciplinary File Number 2009-02131, Apple I Enterprises, Inc, (Respondent); the board reviewed the record, which consisted of the investigative file, transcript, exhibits from the Informal Fact-Finding Conference, and the Summary and recommendation.

**File Number
2009-02131
Apple I Enterprises, Inc.**

Apple I Enterprises, Inc (Respondent) did appear at the IFF. Kristen and Lance Fitzwaters did appear at the Board meeting on behalf of Apple I Enterprises, Inc

The presiding Board representatives **Mr. Kinser and Mrs. Tomlin** were not present, did not participate in the discussion and did not vote. **Mr. Hart** recused himself.

After discussion, a motion was made by **Ms Wood** and seconded by **Mr. Williams** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations and noted correction. The Board found that **Apple I Enterprises, Inc**, violated the following sections of its Regulations:

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Effective February 1, 2006		
Count 1:	18 VAC 50-22-260 B 9	
Count 2:	18 VAC 50-22-260 B 31	Effective September 1, 2001
Count 3:	18 VAC 50-22-260.B.6	
Count 4:	18 VAC 50-22-260.B.5	
Count 5:	18 VAC 50-22-260.B.6	

The motion passed by unanimous vote. Members voting “yes” were: **Cronin, Dyer, Rusher, Redifer, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Miller, Williams and Walton.**

Kinser and Tomlin were not present and did not vote.

The Board voted to impose no monetary penalty for the violation of the regulation.

Sanctions		
Count 1:		\$800.00
Count 2:		\$2,000.00
Count 3:		\$350.00
Count 4:		\$2,000.00
Count 5:		\$1,500.00
Total		\$6,650.00

In addition, for violation of Count 1, Count 2, Count 3 and Count 4, the Board voted to require Apple I Enterprises Inc have a member of Responsible Management successfully complete a Board-approved remedial education class within 90 (ninety)days of the effective date of this order. Failure to comply with the terms will result in the automatic imposition of license suspension.

The motion passed by unanimous vote. Members voting “yes” were: **Cronin, Dyer, Rusher, Redifer, Hart, Sumpter, Smith, Kirby, Dowdy, Wood, Miller, Williams and Walton.**

Kinser and Tomlin were not present and did not vote.

In the matter of Disciplinary File Number 2009-02515, Patriot Custom Builders LLC (Respondent); the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation.

File Number

2009-02515

**Patriot Custom Builders
LLC**

Patriot Custom Builders LLC (Respondent) attended the Board meeting. **Patriot Custom Builders LLC (Complainant)** did not attend the Board meeting.

The Board's hearing representatives; **Mr. Kinser and Ms. Tomlin** were not present and did not vote.

After discussion, a motion was made by **Mr. Redifer** and seconded by **Mr. Williams** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference amending the Recommendations to add revocation of license to Count 2 in order to be consistent with previous Board action. The Board found that **Patriot Custom Builders LLC**, violated the following sections of its Regulations:

Effective September 1, 2001		
Count 1:	18 VAC 50-22-260 B 29	Two violations
Count 2:	18 VAC 50-22-260 B 6	Three violations
Count 3:	18 VAC 50-22-260 B 15	
Count 4:	18 VAC 50-22-260 B 28	February 1, 2006
Count 5:	18 VAC 50-22-260.B.13	
Count 6:	18 VAC 50-22-260.B.13	

The motion passed by majority vote. Members voting "yes" were: **Cronin, Dyer, Rusher, Redifer, Hart, Sumpter, Smith, Wood, Kirby, Miller, and Williams.**

Walton voted "no".

Kinser and Tomlin were not present and did not vote.

The presiding Board representative **Mrs Tomlin and Mr. Kinser** was not present, did not participate in the discussion and did not vote. After discussion, a motion was made by. **Mr. Redifer** and seconded by **Mr. Williams** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found that **Patriot Custom Builders LLC** violated sections of its Regulations:

Sanctions		
Count 1:		\$1,000.00
Count 2:		\$2,500.00
Count 3:		\$2,500.00
Count 4:		\$1,500.00
Count 5:		\$1,000.00
Count 6:		\$1,000.00
Total		\$9,500.00
The Board also imposes revocation of license for the violation of Counts 1 and Count 4 and 5 and 6.		

The motion passed by unanimous vote. Members voting “yes” were: **Cronin, Dyer, Rusher, Redifer, Hart, Kirby, Dowdy, Sumpter, Smith, Wood, Miller, Williams and Walton.**

Kinser and Tomlin were not present and did not vote.

In the matter of Disciplinary File Number 2009-04054 Mawyer Enterprises Inc (Respondent); the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation.

**File Number
2009-04054
Mawyer Enterprises Inc**

Ralph and Shannon Mawyer, for Mawyer Enterprises Inc (Respondent) did appear at the Board meeting in person. They addressed the Board and shared their disagreement. The presiding Board representatives **Mr. Kinser and Ms. Tomlin** were not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Ms. Wood** and seconded by **Mr. Sumpter** to remand the case back to staff for an Informal Fact Finding Conference.

The motion passed by majority vote. Members voting “yes” were: **Dyer, Rusher, Hart, Sumpter, Smith, Wood and Williams.**

Members voting “no” were: Kirby, Redifer, Walton and Miller.

Tomlin and Kinser were not present and did not vote.

In the matter of Disciplinary File Number 2009-04366, Nelson Homes Inc (Respondent); the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation. **Troy Boyer, (Complainant)** attended the Board Meeting. He addressed the Board. **Rob Rutherford** on behalf of **Nelson Homes, Inc (Respondent)** appeared at the IFF. **Nelson Homes, Inc** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

**File Number
2009-04366
Nelson Homes, Inc.**

The presiding Board representative **Mr. Kinser and Ms. Tomlin** were not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Redifer** and seconded by **Mr. Sumpter** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with amended Recommendations to add Remedial Education to both counts. The Board found that **Nelson Homes Inc.** violated the following sections of its Regulations:

Effective February 1, 2006

Count 1:	18 VAC 50-22-260 B 29
Count 2:	18 VAC 50-22-260.B 31

The motion passed by unanimous vote. Members voting “yes” were: **Dowdy, Rusher, Cronin, Kirby, Dyer, Redifer, Hart, Sumpter, Smith, Wood, Miller, Williams and Walton.**

Tomlin and Kinser were not present and did not vote.

After discussion a motion was made by **Mr. Sumpter** and seconded by **Mr. Redifer** to impose the following sanctions.

Count 1:	\$600.00	\$600.00
Count 2:	\$1,000.00	\$1,000.00
Total		\$1,600.00
In addition, for violation of Count 1 and two , the Board imposed successful completion of a Board approved Remedial Education class.		

The motion passed by unanimous vote. Members voting “yes” were: **Cronin, Dowdy, Rusher, Kirby, Dyer, Redifer, Hart, Sumpter, Smith, Wood, Miller, Williams and Walton.**

Tomlin and Kinser were not present and did not vote.

In the matter of Disciplinary File Number 2010-01552, Scott Gardner, t/a G2 Remodeling (Respondent); the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation. **Scott Gardner, t/a G2 Remodeling (Respondent) did not** appear at the IFF and did not appear at the Board meeting in person or by counsel or by any other qualified representative.

File Number
2010-01552
Scott Gardner, t/a G2
Remodeling

The presiding Board representative **Mr. Kinser and Ms. Tomlin** were not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Williams** and seconded by **Mr. Hart** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found that **Scott Gardner t/a G2 Remodeling** violated the following sections of its Regulations:

Effective February 1, 2006

Count 1:	18 VAC 50-22-260.B 13	

The motion passed by unanimous vote. Members voting “yes” were: **Dyer, Rusher, Redifer, Hart, Cronin, Kirby, Dowdy, Sumpter, Smith, Wood, Miller, Williams and Walton.**

Tomlin and Kinser were not present and did not vote.

After discussion a motion was made by **Mr. Williams** and seconded by **Mr. Hart** to impose the following monetary sanctions:

Count 1:	\$1,500.00	
Total		\$1,500.00
In addition, for violation of Count 1 , the Board imposes license revocation.		

The motion passed by majority vote. Members voting “yes” were: **Kirby, Dowdy, Cronin, Dyer, Rusher, Redifer, Hart, Sumpter, Smith, Wood, Miller, Williams and Walton.**

Tomlin and Kinser were not present and did not vote.

In the matter of Disciplinary File Number 2009-02205, Reliable Commercial Builders LLC (Respondent); the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation. **Reliable Commercial Builders LLC (Respondent)** did appear at the IFF. **Neither Reliable Commercial Builders LLC**, legal counsel nor any other qualified representative attended the Board meeting. The presiding Board representatives. **Matthew Richards, (Complainant)** attended the IFF but not the Board meeting.

File Number
2009-02205
Reliable Commercial
Builders LLC

Redifer, Dyer and Tomlin were not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mrs. Wood** and seconded by **Mr. Hart** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found that **Reliable Commercial Builders LLC**, violated the following sections of its Regulations:

Effective September 1, 2001		
Count 1:	18 VAC 50-22-260.B 31	
Count 2:	18 VAC 50-22-260 B 16	

The motion passed by unanimous vote. Members voting “yes” were: **Rusher, Cronin, Hart, Sumpter, Smith, Dowdy, Wood, Miller, Williams and Walton.**

Redifer, Kirby and Dyer were not present and did not vote.

After discussion a motion was made by **Mrs. Wood** and seconded by **Mr. Hart** to impose the following sanctions:

Count 1	\$400.00	
Count 2	\$750.00	
Total		\$1,150.00

In addition, for violation of Count 1 and 2, the Board requires **Reliable Commercial Builders, LLC** to have a member of management successfully complete a Board approved Remedial Education Class within 90 days of the order.

The motion passed by unanimous vote. Members voting “yes” were: **Rusher, Cronin, Kirby, Dowdy, Hart, Sumpter, Smith, Wood, Miller, Williams and Walton.**

Redifer, Dyer and Tomlin were not present and did not vote.

In the matter of Disciplinary File Number 2010-00250, Kyung Soon Suh t/a Goldenboy Handyman Service (Respondent); the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation. **Kyung Soon Suh t/a Goldenboy Handyman Service (Respondent)** did appear at the IFF. **Kyung Soon Suh t/a Goldenboy Handyman Service** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

File Number
2010-00250
Kyung Soon Suh t/a
Goldenboy Handyman
Service

The presiding Board representatives **Tomlin, Redifer and Walton** were not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Wood** and seconded by **Mr. Sumpter** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found that **Kyung Soon Suh** violated the following of its Regulations.

Count 1:	§54.1-1110	

The motion passed by majority vote. Members voting “yes” were: **Cronin, Kirby, Dowdy, Rusher, Redifer, Hart, Sumpter, Smith, Wood and Miller.**

Williams voted no.

Redifer, Dyer and Walton were not present and did not vote.

After further discussion, a motion was made by **Mrs. Wood** and seconded by **Mr. Sumpter** to impose the following sanctions:

The Board imposed license suspension for the violation of Count 1.
See order for additional information

The motion passed unanimously. Members voting "yes" were: **Cronin, Kirby, Dowdy, Rusher, Redifer, Hart, Sumpter, Smith, Williams, Wood and Miller.**

Redifer, Dyer and Walton were not present and did not vote.

In the matter of Disciplinary File Number 2010-00625 Joseph Baker t/a Baker Construction (Respondent); the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation. **Joseph Baker t/a Baker Construction (Respondent);** did not appear at the IFF. **Joseph Baker and Kimberly Baker** attended the Board meeting. They addressed the Board.

File Number
2010-00625
Joseph Baker t/a Baker
Construction

The presiding Board representatives **Redifer and Dyer** were not present and did not vote.

Ms. Perkins shared that the Respondent had two priors.

After discussion, a motion was made by **Mrs. Wood** and seconded by **Mr. Sumpter** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found that **Joseph Baker t/a Baker Construction**, violated the following sections of its Regulations:

Effective September 1, 2001		
Count 1:	18 VAC 50-22-260.B 22	(seven violations)
Count 2:	18 VAC 50-22-260 B 23	February 1, 2006
Count 3:	18 VAC 50-22-260.B.2	

The motion passed by unanimous vote. Members voting “yes” were: **Rusher, Kirby, Cronin, Hart, Sumpter, Smith, Dowdy, Wood, Miller, Tomlin, Williams and Walton.**

Redifer and Dyer were not present and did not vote.

After discussion a motion was made by **Mr. Cronin** and seconded by **Mr. Smith** to impose the following sanctions:

In addition, for violation of Count 2 and 3, the Board voted to require **Joseph E Baker** to have a member of responsible management successfully complete a Board approved Remedial Education Class within 90 days of the order. Suspension of license for a period of thirty (30) days from the effective date of the Order. As to Count 1, the Board voted to impose no penalty for the violation of the regulation.

The motion passed by unanimous vote. Members voting "yes" were: **Rusher, Cronin, Kirby, Dowdy, Hart, Sumpter, Smith, Wood, Miller, Tomlin, Williams and Walton.**

Redifer and Dyer were not present and did not vote.

In the matter of Disciplinary File Number 2009-03539 Donald Page t/a Tech/Wood (Respondent); the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation. **Donald Page t/a Tech/Wood (Respondent)** did not appear at the IFF. He did not attend the Board meeting in person or by counsel or by any other qualified person.

File Number
2009-03539
Donald Page t/a
Tech/Wood

The presiding Board representatives **Mr. Redifer and Mr. Dyer** was not present, did not participate in the discussion and did not vote.

Henry and Marina Galindo (Complainants) appeared at the Board meeting. They addressed the Board.

Mrs. Perkins shared with the Board that priors existed.

After discussion Mr. Williams offered a motion to add revocation due to the level of misconduct and because of the priors. The motion failed due to lack of a second.

After further discussion, a motion was made by **Ms. Wood** and seconded by **Mr. Sumpter** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found that **Donald C. Payne** violated the following sections of its Regulations:

Effective September 1, 2001

Count 1:	18 VAC 50-22-260 B31	
Count 2:	18 VAC 50-22-260.B 6	

The motion passed by unanimous vote. Members voting “yes” were: **Tomlin, Cronin, Kirby, Dowdy, Rusher, Hart, Sumpter, Smith, Wood, Miller, Williams and Walton.**

Redifer and Dyer were not present and did not vote.

After discussion a motion was made by **Mrs. Wood** and seconded by **Mr. Sumpter** to impose the following sanctions:

Count 1:	\$250.00
Count 2:	\$500.00
Total	\$750.00
In addition, for violation of Count 1 and 2, the Board voted to require Donald C Page have a member of Responsible Management successfully complete a Board-approved remedial education class within 90 days of the order.	

The motion passed by unanimous vote. Members voting “yes” were: **Tomlin, Rusher, Kirby, Dowdy, Cronin, Hart, Sumpter, Smith, Wood, Miller, Williams and Walton.**

Redifer and Dyer were not present and did not vote.

In the matter of Disciplinary File Number 2009-04033, Frye Home Improvement & Fencing, Inc. (Respondent); the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation. **Frye Home Improvement & Fencing, Inc.(Respondent)** did appear at the IFF. **They** did not appear at the Board meeting in person or by counsel or by any other qualified representative.

File Number
2009-04033
Frye Home
Improvement & Fencing
, Inc.

The presiding Board representatives **Mr. Rusher and Mr. Dyer** were not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Sumpter** and seconded by **Mr. Hart** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations for a finding of no violation.

The motion passed by unanimous vote. Members voting “yes” were: **Tomlin, Cronin, Kirby, Rusher, Hart, Sumpter, Smith, Dowdy, Miller, Williams and Walton.**

Redifer and Dyer were not present and did not vote.

In the matter of Disciplinary File Number 2009-03198, Christopher Atkins t/a ADCO Construction (Respondent); the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation.

File Number
2009-03198
Christopher Atkins t/a
ADCO Construction

Christopher Atkins attended the Informal Fact Finding Conference and the Board meeting. He addressed the Board and shared his disagreement.

The presiding Board representatives **Mr. Rusher** and **Mr. Redifer** were not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Dyer** seconded by, **Mr. Sumpter** and amended by **Mr. Williams** and seconded by **Mr. Sumpter** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with amended Recommendations to also put license on probation until judgments are satisfied. The Board found that **Christopher Atkins** violated the following sections of its Regulations:

Effective September 1, 2001		
Count 1:	18 VAC 50-22-260.B 15	
Count 2:	18 VAC 50-22-260.B 31	
Count 3:	18 VAC 50-22-260 B 17	

The motion passed by majority vote. Members voting “yes” were: Tomlin, Dyer, Dowdy, Cronin, Hart, Sumpter, Smith, Wood, Miller, Williams and Walton.

Kirby voted “no”.

Rusher and Redifer were not present and did not vote.

Mrs. Perkins shared that priors exist.

After discussion, a motion was made by **Mr. Sumpter** and seconded by **Mr. Walton** to impose the following sanctions:

Count 1:	\$2,000.00	
Count 2:	\$400.00	
Count 3:	\$1,500.00	
Total		\$3,900.00
In addition, for violation of Count 1, the Board voted to require Christopher M Atkins have a member of Responsible Management successfully complete a Board-approved remedial education class		

within 90 days of the order. License placed on probation; see order for additional details.

The motion passed by majority vote. Members voting “yes” were: **Tomlin, Dyer, Kirby, Dowdy, Hart, Sumpter, Smith, Wood, Miller, Williams and Walton.**

Cronin opposed and voted “no”.

Rusher and Redifer were not present and did not vote.

The motion passed by unanimous vote. Members voting “yes” were: **Tomlin, Dyer, Dowdy, Kirby, Hart, Sumpter, Smith, Wood, Miller, Williams and Walton.**

Cronin was absent. Rusher and Redifer were not present and did not vote.

In the matter of Disciplinary File Number 2009-03016, A Cut Above Lawn Service (Respondent); the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation.

File Number
2009-03016
A Cut Above Lawn
Service

A Cut Above Lawn Service (Respondent) did not attend the Informal Fact Finding Conference. **A Cut Above Lawn Service** did not appear at the Board meeting in person or by counsel or by any other qualified representative. **Wayne R Berry (Complainant)** attended the Informal Fact Finding Conference.

The presiding Board representatives **Ms. Wall** was not present, did not participate in the discussion and did not vote.

A handout for this case was distributed to the Members of the Board.

After discussion, a motion was made by **Ms. Wood** seconded by, **Mr. Sumpter** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with amended Recommendations. The Board found that **A Cut Above Lawn Service** violated the following sections of its Regulations:

Effective September 1, 2001		
Count 1:	18 VAC 50-22-260.B 27	
Count 2:	18 VAC 50-22-260.B 29	
Count 3:	18 VAC 50-22-260 B 6 (five violations	February 1, 2006
Count 4:	18 VAC 50-22-260.B.6	
Count 5:	18 VAC 50-22-260 B 31	
Count 6:	18 VAC 50-22-260.B.11	February 1, 2006
Count 7:	18 VAC 50-22-260.B.28	February 1, 2006

The motion passed by unanimous vote. Members voting “yes” were: Tomlin, Dyer, Kirby, Dowdy, Redifer, Rusher, Cronin, Hart, Sumpter, Smith, Wood, Miller, Williams and Walton.

After discussion, a motion was made by **Mr. Sumpter** and seconded by **Ms. Wood** to impose the following sanctions:

Count 1:	\$650.00	
Count 2:	\$600.00	
Count 3:	\$4,250.00	
Count 4:	\$1,000.00	
Count 5:	\$400.00	
Count 6:	\$350.00	
Count 7:	\$1,900.00	
Total		\$9,150.00

In addition, for violation of Count 1 and Count 6, the Board voted to require **A Cut Above Lawn Service** have a member of Responsible Management successfully complete a Board-approved remedial education class within 90 days of the order. The Board also imposed revocation of license 2705-094218 for violation of Count 2, 3 and 4.

The motion passed by unanimous vote. Members voting “yes” were: **Tomlin, Dyer, Kirby, Dowdy, Redifer, Hart, Sumpter, Smith, Rusher, Cronin, Wood, Miller, Williams and Walton.**

In the matter of Disciplinary File Number 2009-04309, Red Hawk Remodeling & Construction LLC (Respondent); the Board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation. **John Flamish** on behalf of **Red Hawk Remodeling & Construction LLC (Respondent)** did appear at the IFF. **Red Hawk Remodeling & Construction LLC** did not attend the Board meeting in person or by counsel or by any other qualified representative.

File Number
2009-04309
Red Hawk Remodeling
& Construction LLC

The presiding Board representative **Ms. Wall** was not present and did not participate and did not vote.

Mrs. Perkins noted: in the summary, the 5th paragraph and the 3rd sentence should read “The...certified mail was returned marked-return to sender – unclaimed-unable to forward-return to sender.” It should not read (that it was delivered).

After discussion a motion was made by **Mr. Williams** and seconded by **Mr. Redifer** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference noting the information provided by Mrs. Perkins with Recommendations.

The Board found substantial evidence that **Red Hawk Remodeling & Construction LLC** violated the following sections of its Regulations:

Effective February 1, 2006		
Count 2:	18 VAC 50-22-260.B 28	

The motion passed by unanimous vote. Members voting “yes” were: Tomlin, Dyer, Kirby, Dowdy, Rusher, Hart, Sumpter, Williams, Redifer, Smith, Cronin, Wood, Miller and Walton.

After discussion, a motion was made by **Mr. Williams** and seconded by **Mr. Redifer** to impose the following sanctions:

Count 2:	\$1,900.00	February 1, 2006
Total		\$1,900.00
In addition, for violation of Count 2, the Board voted to revoke license 2705-099987. As to count 1 and 3, the Board closes this aspect of the file with a finding of no violation.		

The motion passed by unanimous vote. Members voting “yes” were: **Tomlin, Dyer, Kirby, Dowdy, Rusher, Hart, Sumpter, Williams, Smith, Cronin, Redifer, Wood, Miller and Walton.**

In the matter of Disciplinary File Number 2009-00415, A to Z Contracting, Co. (Respondent); the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the recommendation.

File Number
2009-00415
A to Z Contracting, Co.

The presiding Board representatives **Ms. Wall and Mr. Redifer** were not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Williams** and seconded by **Mr. Rusher** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with a finding of no violation of its Regulations:

The motion passed by unanimous vote. Members voting “yes” were: **Tomlin, Dyer, Kirby, Dowdy, Rusher, Cronin, Smith Hart, Sumpter, Wood, Miller, Williams and Walton.**

Redifer was not present and did not vote.

In the matter of Disciplinary File Number 2010-00128, United Land & Marine Services Inc, t/a United Land & Marine Services Inc (Respondent); the board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the Summary of the Informal Fact-Finding Conference and the

File Number
2010-00128
United Land & Marine Services Inc, t/a United

recommendation. **John H Gulledge on behalf of United Land & Marine Services, Inc., t/a United Land & Marine Services, Inc. (Respondent)**, did appear at the Informal Fact Finding Conference but not at the Board meeting. .

**Land & Marine Services
Inc**

The presiding Board representatives **Ms. Wall and Mr. Walton** were not present, did not participate in the discussion and did not vote.

After discussion, a motion was made by **Mr. Dyer** and seconded by **Mr. Hart** to adopt the Report of Findings which contains the facts regarding the regulatory and or statutory issues in this matter, and adopt the Summary of the Informal Fact-Finding Conference with Recommendations. The Board found that **United Land & Marine Services Inc** violated the following sections of its Regulations:

Effective February 1, 2006		
Count 1:	18 VAC 50-22-260.B 13	

The motion passed by unanimous vote. Members voting “yes” were: Tomlin, Dyer, Kirby, Dowdy, Redifer, Hart, Sumpter, Smith, Wood, Miller, Rusher, Williams and Cronin.

Walton was not present and did not vote.

After discussion, a motion was made by **Mr. Hart** and seconded by **Mr. Dyer** to impose the following sanctions:

Count 1:	\$1,350.00	Revocation of license
Total		\$1,350.00
The Board also imposed revocation of license 2705-025000 for violation of its regulations.		

The motion passed by unanimous vote. Members voting “yes” were: **Tomlin, Dyer, Kirby, Dowdy, Redifer, Cronin, Hart, Sumpter, Smith, Wood, Miller, Williams and Rusher.**

Walton was not present and did not vote.

In the matter of Consent Order File Number 2008-03329 Board v. Norman H Landis and Renay B Landis, t/a Inside Out Construction; the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

**File Number
2008-03329
Norman H Landis and
Renay B Landis, t/a
Inside Out Construction**

As the Board representative, **Ms. Wood** was not present and did not participate and did not vote.

Norman H Landis and Renay B Landis, t/a Inside Out Construction, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 9	\$0.00
Count 2:	18 VAC 50-22-260 B 16	\$0.00
Board Costs		\$0.00
Total		\$0.00
In addition, Norman H Landis and Renay B Landis agrees to revocation of license 2705-041871.		

Upon a motion by **Mr. Williams** seconded by **Mr. Rusher** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Sumpter, Dyer, Rusher, Hart, Smith, Miller, Dowdy, Tomlin, Redifer, Kirby, Williams, Cronin and Walton.**

Wood was absent.

In the matter of Consent Order File Number 2009-03367 Board v. Egglestons LLC, t/a Eggleston Carpentry & Remodeling; the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

**File Number
2009-03367
Egglestons LLC t/a
Eggleston Carpentry &
Remodeling**

Egglestons LLC t/a Eggleston Carpentry & Remodeling, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-230 A	\$350.00
Board Costs		\$150.00
Total		\$500.00
Further, Egglestons LLC agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class.		

Upon a motion by **Mr. Rusher** seconded by **Mr. Williams** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Sumpter, Dyer, Rusher, Hart, Smith, Cronin, Miller, Dowdy, Tomlin, Kirby, Redifer, Williams, Wood and Walton.**

In the matter of Consent Order File Number 2009-02932 Board v. Sam E Chupp, t/a Mt View Log Homes Report of Findings that contains the facts regarding the regulatory and/or statutory issues in this matter.

**File Number
2009-02932
Sam E Chupp, t/a Mt
View Log Homes**

Sam E Chupp, t/a Mt View Log Homes, acknowledges an understanding of the

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charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 8	\$350.00
Count 2:	18 VAC 50-22-260.B 27	\$650.00
Count 3:	18 VAC 50-22-260 B 6	\$800..00
Board Costs		\$150.00
Total		\$1,150.00
Further, Sam E Chupp agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class within 90 days of the order. In addition, for violation of Count 2, Sam E Chupp agrees to revocation of his license.		

Upon a motion by **Mr. Rusher** seconded by **Mr. Williams** the board ratified the consent order with a unanimous vote: Members voting "Yes" were: **Sumpter, Dyer, Rusher, Hart, Smith, Miller, Dowdy, Kirby, Cronin, Redifer, Tomlin, Wood, Williams and Walton.**

In the matter of Consent Order File Number 2009-03514 Board v. Superior Home Builders Inc, t/a Superior Home Builders Inc the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

File Number
2009-03514
Superior Home Builders
Inc, t/a Superior Home
Builders Inc

Superior Home Builders Inc, t/a Superior Home Builders Inc, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 31	\$400.00
Board Costs		\$150.00
Total		\$550.00
Further, Superior Home Builders Inc agrees to have a member of Responsible Management successfully complete a Board approved remedial education class.		

Upon a motion by **Mr. Williams** seconded by **Mr. Rusher** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Sumpter, Dyer, Rusher, Hart, Miller, Dowdy, Kirby, Redifer, Tomlin, Cronin, Smith, Wood and Walton.**

In the matter of Consent Order File number 2009-03624 Board v. Kenneth

File Number

Wilson III t/a Aquatic Construction; the Board reviewed the Consent Order. Incorporated in the consent Order is the Report of Findings, which contains the facts regarding the regulatory and /or statutory issues in this matter.

2009-03624
Kenneth Wilson III t/a
Aquatic Construction

Kenneth G Wilson III acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260.B.27	\$500.00
Count 2:	18 VAC 50-22-260.B 6	\$500.00
Count 3:	18 VAC 50-22-260.B.25	\$750.00
Count 4:	18 VAC 50-22-260 B 5	\$750.00
Board Costs		\$150.00
Total		\$2,650.00

In addition, for violation of Counts 1, 3 and 4, **the Board shall waive imposition** of the above stated monetary penalties and shall not impose remedial education. The Board shall impose a \$100.00 monetary penalty for each count (1, 3 and 4) and in exchange, Kenneth G Wilson III agrees to revocation of his license.

Further, the Board shall waive imposition of the \$500.00 monetary penalty for Count 2 provided a final Inspection is obtained and proof of the inspection is provided to the Board within ninety days of the effective date of this order. If Kenneth G Wilson III fails to comply with these conditions, then the \$500.00 monetary penalty will be automatically imposed for Count 2.

Upon a motion by **Mr. Rusher** seconded by **Mr. Williams** the board ratified the consent order with a unanimous vote: Members voting "Yes" were: **Dyer, Rusher, Hart, Smith, Miller, Dowdy, Kirby, Tomlin, Cronin, Sumpter, Wood, Williams and Walton.**

As the Board representative Redifer not present and did not vote.

In the matter of Consent Order File Number 2009-03734 Board v. Richard D Wright, t/a The Wright Touch; the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

File Number
2009-03734
Richard D Wright, t/a
the Wright Touch

Richard D Wright, t/a The Wright Touch , acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 27	\$350.00
Count 2:	18 VAC 50-22-260.B 6	\$400.00
Board Costs		\$150.00
Total		\$900.00

Further, **Richard D Wright** agrees to have a member of responsible management successfully complete a Board approved remedial education class.

Upon a motion by **Mr. Sumpter** seconded by **Mr. Williams** the board ratified the consent order with a unanimous vote: Members voting “Yes” were: **Sumpter, Dyer, Rusher, Hart, Smith, Cronin, Miller, Dowdy, Kirby, Redifer, Williams, Wood, Tomlin and Walton.**

In the matter of Consent Order File Number 2009-03845 Board v. Walnut Hill Inc the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

File Number
2009-03845
Walnut Hill, Inc.

Walnut Hill Inc , acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board’s Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 28	\$00.00
Board Costs		\$150.00
Total		\$150.00
Further, Walnut Hill Inc agrees to revocation of its license.		
Further, the Board shall waive imposition of license revocation for Count1, provided Walnut Hill Inc satisfies the judgment and provides the Board with proof of the satisfaction within ninety days of the date of the order.		

Upon a motion by **Mr. Williams** seconded by **Mr. Sumpter** the board ratified the consent order with a unanimous vote: Members voting “Yes” were: **Sumpter, Dyer, Rusher, Hart, Smith, Miller, Cronin, Dowdy, Williams, Kirby, Tomlin, Redifer, Wood and Walton.**

In the matter of Consent Order File Number 2009-04129 Board v. Waterford Home Builders LLC, and the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

File Number
2009-04129
Waterford Home Builders LLC

Waterford Home Builders LLC acknowledges an understanding of the charges and admits to the violations of the Counts as outlined in the Report of Findings.

Waterford Home Builders LLC consents to the following terms:

Count 1:	18 VAC 50-22-260 B 31	\$200.00
Count 2:	18 VAC 50-22-260 B 29	\$300.00
Board Costs		\$150.00

Total	\$650.00
In addition, Waterford Home Builders LLC agrees to have a member of Responsible Management successfully complete a board-approved remedial education class.	

Upon a motion by **Mr. Sumpter** seconded by **Mr. Williams** the board ratified the consent order with an unanimous vote: Members voting “Yes” were: **Sumpter, Dyer, Rusher, Hart, Smith, Cronin, Miller, Dowdy, Tomlin, Redifer, Kirby, Williams, Wood and Walton.**

In the matter of Consent Order File Number 2009-04258 Board v. George Wolfe t/a Hunter Wolfe the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

File Number
2009-04258
George Wolfe t/a Hunter Wolfe

George Wolfe t/a Hunter Wolfe, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board’s Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 8	\$250.00
Count 2:	18 VAC 50-22-260 B 27	\$550.00
Board Costs		\$150.00
Total		\$950.00
In addition, George Hunter Wolfe agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class.		

Upon a motion by **Mr. Rusher** seconded by **Mr. Williams** the board ratified the consent order with an unanimous vote: Members voting “Yes” were: **Sumpter, Dyer, Rusher, Hart, Smith, Miller, Cronin, Dowdy, Kirby, Tomlin, Redifer, Wood, Williams and Walton.**

In the matter of Consent Order File Number 2010-00062 Board v. CBLD North Wind LLC, t/a North Wind Mechanical LLC; the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

File Number
2010-00062
CBLD North Wind LLC, t/a North Wind Mechanical LLC

CBLD North Wind LLC, t/a North Wind Mechanical LLC, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board’s Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 27	\$0.00
Count 2:	18 VAC 50-22-260.B.27 (2 Violations @ 0.00 each)	\$0.00
Count 3:	18 VAC 50-22-260.B.6 (3 violations @ \$350.00 each)	\$1,050.00
Board Costs		\$150.00
Total		\$1,200.00
See order for additional information.		

Upon a motion by **Mr. Sumpter** seconded by **Mr. Williams** the board ratified the consent order with an unanimous vote: Members voting “Yes” were: **Sumpter, Dyer, Rusher, Hart, Smith, Miller, Dowdy, Kirby, Cronin, Tomlin, Redifer, Williams, Wood and Walton.**

In the matter of Consent Order File Number 2010-00081 Board v. Christine A Buka, t/a C & M Building & Renovations the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

**File Number
2010-00081
Christine A Buka, t/a C
& M Building &
Renovations**

Christine A Buka, t/a C & M Building & Renovations acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board’s Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 22	\$0.00
Count 2:	18 VAC 50-22-260.B 23	\$700.00
Board Costs		\$150.00
Total		\$850.00
Further, Christine A Buka agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class.		

Upon a motion by **Mr. Smith** seconded by **Mr. Williams** the board ratified the consent order with an unanimous vote: Members voting “Yes” were: **Sumpter, Dyer, Rusher, Hart, Smith, Miller, Dowdy, Kirby, Cronin, Williams, Tomlin, Wood and Walton.**

Redifer the hearing officer was not present and did not participate.

In the matter of Consent Order File Number 2010-00124 Board v. Glen Allen Belew Sr, t/a Glen S Drywall; the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

**File Number
2010-00124
Glen Allen Belew Sr, t/a
Glen S Drywall**

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Glen Allen Belew Sr, t/a Glen S Drywall acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 8	\$00.00
Count 2:	18 VAC 50-22-260.B 27	\$00.00
Count 3:	18 BAC 50-22-260 B 6	\$00.00
Count 4:	18 VAC 50-22-260.B.12	\$00.00
Count 5:	18 VAC 50-22-260 B 13	\$00.00
Board Costs		\$150.00
Total		\$150.00
Further, Glen Allen Belew Sr agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class. In addition, for violations of Counts 1-5, Glen Allen Belew Sr agrees to revocation of his license.		

Upon a motion by **Mr. Sumpter** seconded by **Mr. Williams** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Sumpter, Dyer, Rusher, Hart, Smith, Miller, Dowdy, Cronin, Kirby, Redifer, Williams, Tomlin, Wood and Walton.**

In the matter of Consent Order File Number 2010-00208 Board v. Harold J Davis t/a Davis Handyman, the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

File Number
2010-00208

Harold J Davis t/a Davis Handyman

Harold J Davis t/a Davis Handyman, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 27	\$550.00
Count 2:	18 VAC 50-22-260.B 6	\$300.00
Board Costs		\$150.00
Total		\$1,000.00
In addition, Harold J Davis t/a Davis Handyman agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class.		

Upon a motion by **Mr. Williams** seconded by **Mr. Redifer** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Sumpter, Dyer, Rusher, Hart, Smith, Miller, Dowdy, Kirby, Redifer, Tomlin, Cronin, Williams, Wood and Walton.**

In the matter of Consent Order File Number 2010-00407 Board v. Handy Man Services & Remodeling LLC the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

**File Number
2010-00407
Handy Man Services &
Remodeling LLC**

Handy Man Services & Remodeling LLC, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 27	\$400.00
Count 2:	18 VAC 50-22-260 B 6	\$500.00
Count 3:	18 VAC 50-22-260.B.31	\$250.00
Board Costs		\$150.00
Total		\$1,300.00
In addition, handy Man Services & Remodeling LLC agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class within 90 days of the order.		

Upon a motion by **Mr. Hart** seconded by **Mr. Dyer** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Sumpter, Dyer, Rusher, Hart, Cronin, Tomlin, Miller, Dowdy, Smith, Williams, Kirby, Redifer, Wood and Walton.**

In the matter of Consent Order File Number 2010-00411 Board v. Jeffrey T Morris, t/a Todd Morris & Sons Construction, the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

**File Number
2010-00411
Jeffrey T Morris, t/a
Todd Morris & Sons
Construction**

Keswick Oaks Konstruction, t/a Keswick Oaks Konstruction , acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B6	\$800.00
Board Costs		\$150.00
Total		\$950.00
In addition, for violation Jeffrey T Morris agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class within 90 days of the order.		

Upon a motion by **Mr. Sumpter** seconded by **Mr. Williams** the board ratified the consent order with an unanimous vote: Members voting “Yes” were: **Sumpter, Dyer, Williams, Rusher, Hart, Tomlin, Miller, Dowdy, Kirby, Smith, Cronin, Redifer, Wood and Walton.**

In the matter of Consent Order File Number 2010-00441 Board v. Charles T Smith, t/a Smith Paving, the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

File Number

2010-00441

**Charles T Smith, t/a
Smith Paving**

Charles T Smith, t/a Smith Paving, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board’s Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260.28	\$2,000.00
Board Costs		\$150.00
Total		\$2,150.00
In addition, the Board shall waive imposition of the \$2,000.00 monetary penalty for Count 1 provided Charles T Smith satisfies the judgment and provides the Board with proof of the satisfaction within ninety (90) days of the effective date of this order. If Smith fails to comply with these conditions, then the full monetary penalty will be automatically imposed. Further, for violation of Count 1, Charles T Smith agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class.		

Upon a motion by **Mr. Williams** seconded by **Mr. Sumpter** the board ratified the consent order with an unanimous vote: Members voting “Yes” were: **Sumpter, Dyer, Williams, Kirby, Rusher, Cronin, Hart, Tomlin, Miller, Dowdy, Smith, Redifer, Wood and Walton.**

In the matter of Consent Order File Number 2010-00489 Board v. Straightline General Contracting Inc; the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

File Number

2010-00489

**JPD Carpet & Floors
Inc, t/a Suns**

Straightline General Contracting Inc, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board’s Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 27	\$650.00
Board Costs		\$150.00
Total		\$800.00
In addition, JPD Carpet & Floors Inc agrees to have a member of		

Responsible Management successfully complete a Board-approved remedial education class.

Upon a motion by **Mr. Williams** seconded by **Mr. Redifer** the board ratified the consent order with an unanimous vote: Members voting “Yes” were: **Sumpter, Dyer, Rusher, Hart, Tomlin, Cronin, Miller, Dowdy, Kirby, Redifer, Williams, Walton, Wood and Smith.**

In the matter of Consent Order File Number 2010-00794 Board v. CM Carpentry LLC; the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

File Number
2010-00794
CM Carpentry LLC

Burrus Industries Inc , acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board’s Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 2	\$650.00
Board Costs		\$150.00
Total		\$800.00
Further, C M Carpentry LLC agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class within 90 days of the order.		

Upon a motion by **Mr. Williams** seconded by **Mr. Sumpter** the board ratified the consent order with an unanimous vote: Members voting “Yes” were: **Sumpter, Dyer, Rusher, Hart, Tomlin, Miller, Cronin, Dowdy, Kirby, Smith, Williams, Wood and Walton.**

Redifer, the Boards representative did not vote.

In the matter of Consent Order File Number 2009-00795 Board v. Leonard’s Contracting Inc.; the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

File Number
2010-00795
Leonard’s Contracting Inc

Leonard’s Contracting Inc. acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board’s Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 18	\$800.00
Board Costs		\$150.00
Total		\$950.00

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In addition, **Leonard's Contracting Inc** agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class within 90 days of the order.

Upon a motion by **Mr. Williams** seconded by **Mr. Sumpter** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Sumpter, Dyer, Williams, Rusher, Hart, Tomlin, Cronin, Miller, Dowdy, Kirby, Smith, Redifer, Wood and Walton.**

In the matter of Consent Order File Number 2010-01061 Board v. Faden Contracting, Inc.; the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

File Number

2010-01061

Faden Contracting, Inc.

Faden Contracting, Inc, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260.B 29	\$600.00
Board Costs		\$150.00
Total		\$750.00
In addition, Faden contracting Inc agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class within 90 days of the order.		
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Upon a motion by **Mr. Williams** seconded by **Mr. Sumpter** the board ratified the consent order with an unanimous vote: Members voting "Yes" were: **Sumpter, Dyer, Rusher, Hart, Tomlin, Cronin, Williams, Wood, Miller, Dowdy, Kirby, Redifer, Smith and Walton.**

In the matter of Consent Order File Number 2010-01330 Board v. Jerry Hall; the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter. William Butch Cann was present at the Board meeting and wanted the Board to know he was sorry for the inconvenience to the Board and the customer.

File Number

2010-01330

Jerry Hall

Jerry Hall, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 27	\$650.00
Board Costs		\$150.00
Total		\$800.00
In addition, Jerry Hall agrees to have a member of Responsible Management successfully complete a board-approved remedial education class.		

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Upon a motion by **Mr. Sumpter** seconded by **Mr. Williams** the board ratified the consent order with an unanimous vote: Members voting “Yes” were: **Sumpter, Dyer, Rusher, Hart, Tomlin, Cronin, Williams, Miller, Dowdy, Kirby, Redifer, Smith, Wood and Walton.**

In the matter of Consent Order File Number 2010-01332 Board v. Scott J Davis, t/a S J Davis Excavating Service; the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

File Number

2010-01332

**Scott J Davis, t/a S J
Davis Excavating Service**

Scott J Davis, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board’s Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 27	\$650.00
Board Costs		\$150.00
Total		\$800.00
In addition, Scott J Davis agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class.		

Upon a motion by **Mr. Williams** seconded by **Mr. Sumpter** the board ratified the consent order with an unanimous vote: Members voting “Yes” were: **Sumpter, Dyer, Rusher, Hart, Tomlin, Cronin, Williams, Miller, Dowdy, Kirby, Redifer, Smith, Wood and Walton.**

In the matter of Consent Order File Number 2010-01338 Board v. T Keith Morris, t/a Keith Morris Roofing; the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

File Number

2010-01338

**T Keith Morris, t/a
Keith Morris Roofing**

T Keith Morris, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board’s Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260.B.27	\$650.00
Board Costs		\$150.00
Total		\$800.00
In addition, T Keith Morris agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class.		

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Upon a motion by **Mr. Williams** seconded by **Mr. Cronin** the board ratified the consent order with an unanimous vote: Members voting “Yes” were: **Sumpter, Dyer, Rusher, Hart, Williams, Cronin, Tomlin, Miller, Dowdy, Kirby, Redifer, Smith, Wood and Walton.**

In the matter of Consent Order File Number 2010-01437 Board v. James A Coles, t/a Coles Construction the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

File Number
2010-01437

**James A Coles, t/a
Coles Construction**

James A Coles, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board’s Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 8	\$350.00
Board Costs		\$150.00
Total		\$500.00
In addition, James A Coles agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class.		

Upon a motion by **Mr. Williams** seconded by **Mr. Miller** the board ratified the consent order with an unanimous vote: Members voting “Yes” were: **Sumpter, Dyer, Rusher, Hart, Tomlin, Miller, Cronin, Williams, Dowdy, Kirby, Redifer, Smith, Wood and Walton.**

In the matter of Consent Order File Number 2010-01532 Board v. Schmidt Construction Company LLC the Board reviewed the Consent Order. Incorporated in the Consent Order is the Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter.

File Number
2010-01532

**Schmidt Construction
Company LLC**

Schmidt Construction Company LLC, acknowledges an understanding of the charges and hereby admits to the violation(s) of the Board’s Regulations and consents to the following term(s) by the Board:

Count 1:	18 VAC 50-22-260 B 24	\$00.00
Board Costs		\$150.00
Total		\$150.00
In addition, Schmidt construction Company LLC agrees to have a member of Responsible Management successfully complete a Board-approved remedial education class within 90 days of the order. It is noted that Schmidt Construction Company LLC abated the notice of violation the same day that it was issued. Therefore, no monetary penalty is imposed for Count 1.		

Upon a motion by **Mr. Cronin** seconded by **Mr. Williams** the board ratified the consent order with an unanimous vote: Members voting “Yes” were: **Sumpter, Dyer, Rusher, Hart, Tomlin, Miller, Dowdy, Kirby, Williams, Cronin, Smith, Wood and Walton.**

Redifer was the Board’s representative was present.

The Board took a lunch break at 1:15 pm and reconvened at 1:30 pm.

**Lunch Break and
Reconvene**

The Board discussed the terms of the order for 2009-00684 and agreed payment had to be made in the amount of \$20,000.00 in order to be in compliance with the Henrico court order.

**File Number
2009-00684**

Upon a motion by **Mr. Williams** seconded by **Mr. Sumpter** the board agreed to **pay the \$20,000.00** to be in compliance with the circuit court order. The motion passed with a unanimous vote: Members voting “Yes” were: **Sumpter, Dyer, Rusher, Hart, Tomlin, Miller, Dowdy, Kirby, Redifer, Williams, Cronin, Smith, Wood and Walton.**

A. Information Update:

Other Board Business

Eric Olson briefed the Board bringing them up to date regarding the Regulatory package. The current status of regulation that are in review and on proposed statutory changes..

B. Staff Visits to Franklin:

The Board was updated on staff visits to the International Paper Mill in Franklin.

C. Miss Utility:

Mr. Redifer gave the Board an update on Miss. Utility activity and requested that CID and board staff attend a future meeting to discuss possible disciplinary sanctions against contractors that appear before Miss Utility.

D. Informal Question and Answer:

The Board had an informal question and answer per held by Steven Jack regarding different Recovery Fund Issues.

E. Backflow Prevention:

The Board directed the Committee to review the experience requirements that must be met by Backflow Prevention Device workers.

The next Board meeting will be April 20th, 2010.

New Business

There being no further business to come before the board, the meeting was adjourned at **2:45 p.m.** upon a motion by **Mrs. Wood** and seconded by **Mrs. Tomlin**. The motion passed by unanimous vote. Members voting "Yes" were: **Sumpter, Dyer, Rusher, Hart, Tomlin, Miller, Dowdy, Kirby, Williams, Cronin, Redifer, Smith, Wood and Walton.**

Adjournment

Robert Kirby, Chairman

Jay W. DeBoer, Secretary